

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:96-CR-84

v.

HON. ROBERT HOLMES BELL

ANTHONY EASON,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #617). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on June 16, 2005, to 40 years custody after being found guilty of Conspiracy to Distribute and Possess with Intent to Distribute Cocaine, Cocaine Base and Marijuana; Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base; and Engaging in and Conducting a Continuing Criminal Enterprise. Defendant's original guideline range called for a provision of life imprisonment. The Court varied from the guideline range when imposing a sentence of 40 years. While the amended guideline

calculation calls for a total offense level of 44, United States Sentencing Guideline §5A, Application Note 2, states that an offense level of more than 43 is to be treated as an offense level of 43. A total offense level 43 and criminal history VI carries a guideline range of life imprisonment.

Since Amendment 706 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10.

Date: April 4, 2011

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE